

REMARKS

The Applicant thanks the Examiner for indicating that claims 27-29 are allowed while claims 17, 18, 20-22 and 24-26 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, the subject matter of claim 18 is incorporated into independent claim 14 and this amended independent claim is now believed to be allowable. As claims 15-17 and 19-26 depend, either directly or indirectly, from this amended independent claim, those dependent claims are also believed to be allowable.

Claim 14 is objected to for the reasons noted in the official action. The above requested claim amendments are believed to overcome all of the raised informalities concerning this case.

Next, claim 23 is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

Claim 19 is then rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. Rejected claim 19 is accordingly amended, by the above claim amendments, and all of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection and are not directed at distinguishing the present invention from the art of record in this case.

Claims 14, 16, and 19 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Dobbs '799 (U.S. Patent No. 2,670,799). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Notwithstanding the incorporation of the allowable subject matter of claim 18 into independent claim 14, which is thus believed to place claims 14-17 and 19-26 into condition for allowance, the following remarks are submitted concerning further distinctions of the presently pending claims and the teachings of Dobbs '799.

Dobbs '799 relates to a collapsible pipe plug. The cap of the reference fits into a section of a pipe having internal threads. The cap has locking segments which engage with the threads of the pipe. The displacement of the locking segments in Dobbs '799 is not at right angles to an axis of the opening. Dobbs '799 teaches for example that the locking segments "swing laterally". Movement of the locking segments at right angles of an axis of the opening is impossible due to construction of the actuating mechanism. Hence this feature is not taught by Dobbs '799.

Further, the feature that "the segments . . . are pivotably supported on the lid by a swivel arm, separate from the displacement actuator" is not described in Dobbs '799. The Examiner compares the "movable arm 30" of Dobbs '799 to the swivel arm of the present application. The movement in Dobbs '799 is itself a displacement actuator for the second part of the locking movement in Dobbs '799 and not a separate part as mentioned in the present claim 14. The swivel arm in the present application defines a set position of the segments on the circumference after the locking movement and not for pressing of the segment against the circumference as in Dobbs '799. Thus the reference is not believed to teach this swivel arm

of the present application, wherethrough the kinematic of the locking mechanism has one more degree of freedom.

Lastly, claims 14 and 15 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Steiner `433 (U.S. Publication No. 2003/0192433 A1) in view of Amtmann `177 (U.S. Patent No. 4,303,177). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional reference of Amtmann `177 may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Steiner `433 with this additional art of Amtmann `177 still fails to in any way teach, suggest, disclose or remotely hint at the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Dobbs `799, Steiner `433 and/or Amtmann `177 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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